

## DISTRICT OF NEVADA

Case No.: 2:19-cv-00286-APG-VCF

**Order (1) Modifying in Part and Accepting in Part the Report and Recommendation and (2) Denying as Moot the Amended Application for Leave to Proceed in Forma Pauperis, and (3) Denying Motion for Preliminary Injunction**

[ECF Nos. 6, 7, 14]

## Defendants

Because Void-Brown has paid the filing fee, her amended application for leave to proceed in forma pauperis (ECF No. 6) is moot. I therefore modify Judge Ferenbach's report and recommendation to deny the application as moot. *See* 28 U.S.C. § 636; LR IB 3-1. I accept Judge Ferenbach's recommendation that the amended complaint (ECF No. 5) be dismissed for failure to state a claim.

I grant Void-Brown leave to amend to cure the defects identified in Judge Ferenbach's report and recommendation. The second amended complaint must be a complete document in and of itself and will supersede the amended complaint in its entirety. Any allegations, parties, or requests for relief from prior papers that are not carried forward in the second amended complaint will no longer be before the court.

1 IT IS THEREFORE ORDERED that Judge Ferenbach's report and recommendation  
2 **(ECF No. 7) is modified in part and accepted in part.** The report and recommendation is  
3 modified to reflect that the plaintiff's application for leave to proceed in forma pauperis **(ECF**  
4 **No. 6) is DENIED as moot.** The report and recommendation's conclusion that the amended  
5 complaint fails to state a claim is accepted. The complaint **(ECF No. 1-2)** and the amended  
6 complaint **(ECF No. 5) are therefore DISMISSED.**

7 IT IS FURTHER ORDERED that on or before July 18, 2019, plaintiff Janiese Void-  
8 Brown may file a second amended complaint curing the deficiencies identified in Judge  
9 Ferenbach's report and recommendation. Failure to file a second amended complaint by that  
10 date will result in dismissal with prejudice.

11 IT IS FURTHER ORDERED that because there is no operative complaint at this time,  
12 plaintiff Janiese Void-Brown's motion for preliminary injunction **(ECF No. 14) is DENIED**  
13 **without prejudice.**

14 DATED this 18th day of June, 2019.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE